

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Michael Janish,

Plaintiff,

v.

Metropolitan Council; and Joan Hollick (in  
her individual capacity),

Defendants.

Case No.: 23-CV-03675

**DEFENDANTS METROPOLITAN  
COUNCIL AND JOAN HOLLICK'S  
NOTICE OF AND PETITION FOR  
REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendants Metropolitan Council and Joan Hollick (“Defendants”) hereby file a Notice of Removal (“Notice”) for the above-captioned action to this Court.

In further support of this Notice, Defendants state:

1. Metropolitan Council and Joan Hollick are the named Defendants in the state action in this matter (the “State Action”).
2. This Notice is being filed with this Court within thirty (30) days after Defendants received a copy of Plaintiff’s initial pleadings setting forth the claims for relief upon which Plaintiff’s action is based.
3. Pursuant to 28 U.S.C. § 1446(a), attached hereto is a true and correct copy of all substantive records and proceedings from the State Action.
4. Plaintiff’s Complaint alleges violations of the First Amendment to the United States Constitution and 42 U.S.C. § 1983, against Defendants (*see* Compl. Count III).

5. As Plaintiff's Complaint plainly evidences, one of Plaintiff's claims of relief alleged in the State Action against Defendants arises under the federal Constitution and a federal statute. Thus, this Court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331. To the extent other claims are asserted in this action under state law, this Court has supplemental jurisdiction over those claims pursuant to 28 U.S.C. §§ 1367 and 1441(c).

6. The above-captioned action may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a) and (c).

7. Metropolitan Council and Joan Hollick are the only named defendants in the State Action, and therefore, no further consent to removal is necessary under 28 U.S.C. § 1446(b)(2)(A).

8. The United States District Court for the District of Minnesota is the federal district encompassing the Fourth Judicial District of Minnesota (Hennepin County), where this suit was originally filed. Venue therefore is proper in this District under 28 U.S.C. § 1441(a).

9. Defendants do not waive any defense to the Complaint, including but not limited to lack of service, improper service, or lack of personal jurisdiction.

10. Pursuant to 28 U.S.C. § 1446(d), Defendants shall file a copy of this Notice of Removal with the Clerk of the Fourth Judicial District of Minnesota (Hennepin County) and shall serve Plaintiff with this Notice promptly after its filing.

WHEREFORE, Defendants respectfully request that the State Action be removed to the United States District Court for the District of Minnesota pursuant to 28 U.S.C.

§1441 *et seq.*, and that the District Court enter such other and further orders as may be necessary to accomplish the requested removal.

Dated: November 29, 2023

**s/Susan E. Ellingstad**

Susan E. Ellingstad, MN #0243346

David J. Zoll, MN #0330681

R. David Hahn, MN #0401262

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**ATTORNEYS FOR DEFENDANTS  
METROPOLITAN COUNCIL AND JOAN  
HOLICK**